

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 18519 of 2005

**MONDAY, THE TWENTY SECOND DAY OF AUGUST
TWO THOUSAND AND FIVE**

Between:

Sri Padma Raj Jain, S/o. Birad Raj Jain,
R/o. 23-6-17/7, Mogalpura, Hyderabad,

..... PETITIONER

AND

1. The A P Central Power Distribution Co. Ltd., Rep,. by its C &MD, Vidyut Soudha, Somajiguda, Hyderabad,
2. Assistant Divisional Engineer, Operation, Dis-IX-City-III, Charminar, APCPDCL, Hyderabad,
3. The Assistant Accounts Officer, ERO-III, Hyderabad,

.....RESPONDENTS

The Court, at the stage of admission, made the following:

Oral order:-

It is the synoptic submission of the learned counsel for the respective parties that the impugned initial assessment notice of pilferage dated 27-07-2005 is invalid and un-sustainable in view of the law declared by a learned Division Bench of this Court by the judgment dated 11-03-2004 in W.A.Nos. 452 of 2004 and 457 of 2004.

By the impugned notice, the petitioner was intimated to have pilfered energy and a provisional estimate of the energy pilfered was assessed at Rs.1,38,220-95. The petitioner was required to pay an amount of Rs.69,110-47 plus other incidental charges to avoid disconnection. A Division Bench of this Court had declared that a provisional assessment order cannot demand the payment of amount pending final assessment as a condition precedent for avoiding disconnection.

In view of the law declared, the impugned provisional assessment notice cannot be sustained. It is accordingly set aside. The respondents are, however, at liberty to issue a fresh provisional assessment notice in conformity with the law declared by this court supra. The writ petition is, accordingly, disposed of at the stage of admission after hearing the learned counsel for the petitioner and Mr. M. Sriramulu Reddy, learned standing counsel for the respondents. No costs.

GODA RAGHURAM,J

Dated: 22-08-2005

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